

SEP. 06 2006

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PATENT APPLICATION

APPLICANT: James Beaucaire et al. **EXAMINER** McCall, Eric S.
APPL. NO.: 10/696,831 **GROUP AR** **UNIT:** 2855
FILED: October 30, 2003 **ATTY DKT** **NO.:** D5453
TITLE: METHOD AND APPARATUS FOR INDICATING A POTENTIAL FLUID FILTER PROBLEM

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this 6-page Amendment/Response under 37 C.F.R. §1.116 is being sent via facsimile to the United States Patent and Trademark Office on September 6, 2006 to (571) 273-8300.

Date: September 6, 2006

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AMENDMENT/RESPONSE UNDER 37 C.F.R. §1.116

Dear Sir:

In response to the Final Office Action dated June 9, 2006 in the above captioned matter, please consider the following amendment and response:

Claim AmendmentsRECEIVED
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1. (Cancelled)

BEST AVAILABLE COPY2. (Currently amended) A method comprising the steps ofobtaining a measured fluid pressure near a fluid filter in a internal combustion engine;The method of claim 1, wherein the value is determining value based on engine speed, engine load, and fluid temperature;comparing the measured fluid pressure to the value, yielding a compared pressure;when the compared pressure exceeds an established value indicating that a potential fluid filter problem is present.3. (Currently amended) The method of claim [[1]]2, further comprising the step of activating at least one timer based on indication of the presence of a potential fluid filter problem.4. (Currently amended) The method of claim [[1]]2, wherein the fluid is at least one of gasoline, diesel, and oil.5. (Currently amended) The method of claim [[1]]2, wherein the measured fluid pressure is taken near an outlet of the filter.6. (Currently amended) The method of claim [[1]]2, wherein the measured fluid pressure is taken near an inlet of the filter.

7. (Cancelled)

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8. (Currently amended) The method of claim ~~[[7]]~~10, wherein the measured fluid pressure is taken near an outlet of the filter.

9. (Currently amended) The method of claim ~~[[7]]~~10, wherein the measured fluid pressure is taken near an inlet of the filter.

10. (Currently amended) A method comprising the steps of

obtaining a measured fluid pressure near a filter in an internal combustion engine;

The method of claim 7, wherein the value is determining a value that is based on engine speed, engine load, and fluid temperature;

determining a difference between the value and the measured fluid pressure; and

determining whether to indicate a warning condition for the filter based on the difference.

11. (Currently amended) The method of claim ~~[[7]]~~10, further comprising the steps of comparing the difference to at least one predetermined value, and activating at least one timer based on the difference.

12. (Currently amended) The method of claim ~~[[7]]~~10, further comprising the step of indicating the warning condition.

13. (Currently amended) The method of claim ~~[[7]]~~10, further comprising the step of communicating the warning condition to a radio frequency transmitter for transmission to a remote location.

14. (Cancelled)

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15. (Currently amended) The apparatus of claim ~~[[14]]17~~ wherein the pressure sensor is located in the fluid near at least one of a discharge of the filter and an inlet of the filter.

16. (Currently amended) The apparatus of claim ~~[[14]]17~~ further comprising a display for indicating the warning condition for the filter when the results of the comparison exceed an established value.

17. (Currently amended) An apparatus comprising:

a pressure sensor arranged and constructed to measure a pressure of a fluid near a filter for the fluid of an internal combustion engine, yielding a measured fluid pressure;

The apparatus of claim 14, wherein the value is based on an engine control module arranged and constructed to determine a value based on engine speed, engine load, and fluid temperature, and to compare the value to the measured fluid pressure, and based on results of the comparison, to indicate a warning condition for the filter.

18. (Currently amended) The apparatus of claim ~~[[14]]17~~ further comprising a timer arranged to be activated based on the results of the comparison.

19. (Currently amended) The method of claim ~~[[1]]2~~, wherein the potential fluid filter problem is at least one of an obstruction, a restriction and clogging in the filter.

20. (Currently amended) The method of claim ~~[[1]]2~~, wherein the potential fluid filter problem causes an imminent loss in engine performance.

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REMARKS****RECEIVED
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1. In the above-captioned Final Office Action, claims 1, 10, 13, and 17 were indicated as allowable if rewritten in independent form containing the subject matter of all intervening claims. Claims 1, 3-9, 11, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) in view of Nieuwstadt et al. (U.S. Patent No. 6,397,587). These rejections are traversed and reconsideration is hereby respectfully requested.

2. Claim 1 is cancelled, and previously allowable but rejected to claim 2 that previously dependent directly therefrom is amended to include all the limitations of claim 1. Therefore, claim 2 is allowable, and claims 6, 19, and 20 that are amended to depend on claim 2, are also allowable.

3. Claim 7 is cancelled, and previously allowable but rejected to claim 10 that previously dependent directly therefrom is amended above to include all the limitations of claim 7. Therefore, claim 10 is allowable, and claims 8, 9, and 11-13 that are amended to depend on claim 10, are also allowable.

4. Claim 14 is cancelled, and previously allowable but rejected to claim 17 that previously dependent directly therefrom is amended above to include all the limitations of claim 14. Therefore, claim 17 is allowable and claims 15, 16, and 18 that are amended to depend on claim 17, are also allowable.

5. No new subject matter is introduced by the amendments to the above claims. The cancellation of claims 1, 7, and 14 is not an admission that Nieuwstadt renders their limitations obvious, rather, the cancellation of claim 1, 7, and 14 reflects the Applicants' desire to expeditiously proceed and prosecute the remaining claims in this application.

6. Claims 1, 3-9, 11, 12, 14-16, and 18-20 were rejected under 35 U.S.C. §103(a) in view of Nieuwstadt et al. Claims 2, 10, and 17 that are rewritten in independent form are allowable over the teachings of Nieuwstadt because Nieuwstadt does not teach determining a value that is based on *engine speed, engine load, and fluid temperature*, as stated in said claims above. Therefore, claims 2, 10, and 17, and all claims that depend therefrom, are allowable.

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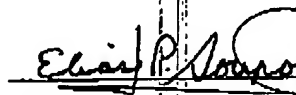
7. The above amendment is necessary because it places the application in condition for allowance and was not previously entered because the Examiner first brought the grounds of rejection in the Final Office Action.

8. The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication may advance the prosecution of the present application. Notice of allowance of claims 1-6, 8-13, and 15-20 is hereby respectfully requested.

Respectfully submitted

Date: September 6, 2006

By:


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